

REMARKS

In the Office Action, the Examiner indicated that claims 1, 3-8, 10-15, 17-22, and 24-26 are pending in the application and the Examiner rejected all of the claims.

Rejection under 35 U.S.C. § 103

On page 5 of the Office Action, the Examiner rejected claims 1, 3-8, 10-15, 17-22, and 24-26 under 35 U.S.C. §103(a) as being unpatentable over MSN Instant Messenger Protocol (“MSM”). On page 11 of the Office Action, the Examiner rejected claims 1, 3-8, 10-15, 17-22, and 24-26 under 35 U.S.C. §103(a) as being unpatentable over Applicants’ Admitted Prior Art (“AAPA”) in view of U.S. Patent No. 7,024,209 to Gress et al. (“Gress”).

The Examiner Has Not Established a *Prima Facie* Case of Obviousness

KSR (*KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385 (2007) requires that an Examiner provide “some articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness.” Further, an Examiner must “identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does,” In addition, the Examiner must make “explicit” this rationale of “the apparent reason to combine the known elements in the fashion claimed,” including a detailed explanation of “the effects of demands known to the design community or present in the marketplace” and “the background knowledge possessed by a person having ordinary skill in the art.”

The Examiner has not met these requirements.

As amended herein, the present claimed invention determines whether an activation message contains an SIA message identifier, and, if so, activates a non-SMS enabled device to perform an action contained in an SIA message contained in the activation message. This features differs from the prior art as it allows a cross-platform communication system without a loss of the standard SMS functionality.

The MSN disclosure provides no teaching or suggestion of identifying an SIA message identifier contained in an activation message and then initiating an action at a non-SMS client in response to an SIA message also contained in the activation message.

Similarly, Gress provides no teaching or suggestion of identifying an SIA message identifier contained in an activation message and then initiating an action at a non-SMS device in response to a SIA message also contained in the activation message. Gress is merely concerned with communication translation, and fails to mention handling SIA messages.

In light of the foregoing arguments, it would not have been obvious to modify either MSN or Gress to arrive at the presently claimed invention. Specifically, neither reference discloses initiating an action at a non-SMS client in response to a SIA message after identifying an SIA message identifier in an activation message.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to issue an early Notice of Allowance.

The Commissioner is hereby authorized to charge the RCE filing fee to Deposit Account No. 09-0461, and the extension fee to Deposit Account No. 50-4364.

Respectfully submitted

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